TRAVANCORE LEGISLATIVE COUNCIL.

SECOND COUNCIL.

FIRST SESSION, 1100.

(OFFICIAL REPORT.)

Wednesday, the 12th August 1925.

The Council re-assembled, at 11-32 A. M., in the Victoria Jubilee Town Hall on Wednesday, the 28th Karkatakam, 1100/12th August, 1925, the President presiding.

QUESTIONS AND ANSWERS.

[*Order made by the President under Standing Order No. 12*—

(1) Printed copies of the questions and answers to be put and given at a meeting of the Council shall be placed on the Council table 15 minutes before the President takes his seat.

(2) The question shall be put and answered in the following manner:—

The Secretary shall call the name of each interpellator in serial order, specify the serial number of his questions and make a sufficient pause to allow him a reasonable opportunity of rising in his place, if he is desirous of asking a supplementary question. Supplementary questions must be put immediately after the principal questions to which they relate.]

Nelpurachandram.

96. **MR. K. MADHAVAN PILLAI** (*Trivandrum* cum *Neduvangad*) : Will the Government be pleased to state :

(*a*) whether they have received from the Land Revenue Commissioner a recommendation for exemption from age-bar of a man 36 years of age and newly appointed as Nelpurachandram in the Melkanganom branch of the Revenue department ;

(*b*) whether this man was appointed permanently even before a recommendation for his exemption from age-bar had been made to the Government ;

(*c*) whether, by appointing this man permanently without previously obtaining orders of exemption, the appointing authority has not disobeyed their own instructions ;

G. P. T. 526, 310, 22-10-25.

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[Mr. K. Madhavan Pillai.]

(*d*) whether the G. O. issued by Government, directing that the security of this Chandrakaran should be enhanced, did not contain instructions that the Chandrakaran, who was holding the appointment *sub-pro tem.* during the last three years, should be confirmed in the appointment if he furnished the enhanced security and, if so, whether he failed to furnish the same;

(*e*) if he agreed to furnish the security, what the reasons were for evading the orders of Government and appointing an outsider 36 years of age;

(*f*) whether they will call for a report as to whether there were no applicants for this post of Chandrakaran from persons who are already in the service; if so, why their claims were overlooked and an outsider preferred;

(*g*) whether it is a fact that the acting Chandrakaran removed from that work went about without any appointment for nearly a fortnight, and, if so, whether this break in the continuity of service would affect his pension; and

(*h*) whether they will enquire why a subordinate who has put in more than 15 years of approved service was thrown out of employ at least for a short period and who is responsible for this?

MR. K. NARAYANAN PANDALAY (*Ag. Chief Secretary to Government*):

(*a*) Yes.

(*b*) Yes.

(*c*) Strictly speaking, the Peishkar should not have made the appointment permanently before obtaining the sanction of Government to exempt the person appointed from age-bar. But in urgent cases, such appointments are sometimes made in anticipation of sanction and the ratification of Government obtained subsequently. Such action taken by a responsible officer in the interests of Government and to meet the exigencies of the service cannot be viewed as disobedience of the orders of Government.

(*d*) The order of Government stated that "the existing Chandrakaran should be required to deposit the additional security without delay". He did not fail to furnish the security.

(*e*) An outsider was appointed to the post as the previous incumbent was found to be unfit for the post by the Peishkar. Further, the new man appointed was found to be the best man available for the place by two Peishkars.

(*f*) As the appointment has been made, Government do not think it necessary to do so.

(*g*) The matter is under examination.

(*h*) Enquiry will be made.

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MR. K. MADHAVAN PILLAI (*Trivandrum* cum *Neduvangad*) : With reference to answer (*c*), will the learned Chief Secretary be good enough to say what is the nature of the urgency in filling that appointment permanently ?

MR. K. NARAYANAN PANDALAY (*Ag. Chief Secretary to Government*) : My information is that the Tahsildar sent up a report to the Peishkar to the effect that the man doing the duties at the time was not fit and that somebody else should be appointed.

MR. K. MADHAVAN PILLAI (*Trivandrum* cum *Neduvangad*) : When was that report made ?

MR. K. NARAYANAN PANDALAY (*Ag. Chief Secretary to Government*) : Just before the new man was appointed.

MR. K. MADHAVAN PILLAI (*Trivandrum* cum *Neduvangad*) : Is the learned Chief Secretary aware that, before he made permanent the appointment of an outsider, the Peishkar issued a written order to the Tahsildar stating that the acting incumbent would be confirmed in the place if he deposited an enhanced security ?

MR. K. NARAYANAN PANDALAY (*Ag. Chief Secretary to Government*) : That paper is not before Government.

MR. K. MADHAVAN PILLAI (*Trivandrum* cum *Neduvangad*) : But, will he enquire if there was such an order ?

MR. K. NARAYANAN PANDALAY (*Ag. Chief Secretary to Government*) : Yes.

MR. K. MADHAVAN PILLAI (*Trivandrum* cum *Neduvangad*) : With reference to part (*d*), the question was whether the G. O. issued by Government directing that the security of this Chandrakaran should be enhanced did not contain instructions that the Chandrakaran who was holding the appointment *sub-pro tem.* during the last three years should be confirmed in that appointment.

MR. K. NARAYANAN PANDALAY (*Ag. Chief Secretary to Government*) : There was no such order.

MR. K. MADHAVAN PILLAI (*Trivandrum* cum *Neduvangad*) : Why was the appointment made permanent before the sanction of Government exempting the man from age-bar was obtained ?

MR. K. NARAYANAN PANDALAY (*Ag. Chief Secretary to Government*) : The answer is given in part (*c*).

MR. K. MADHAVAN PILLAI (*Trivandrum* cum *Neduvangad*) : What was the nature of the urgency referred to in (*c*) ? Was not the acting man holding the appointment for the last three years ?

MR. K. NARAYANAN PANDALAY (*Ag. Chief Secretary to Government*) : He was holding that appointment for some time till the new man was appointed ; there was a report against him.

MR. K. MADHAVAN PILLAI (*Trivandrum* cum *Neduvangad*) : What was the nature of the report ?

MR. K. NARAYANAN PANDALAY (*Ag. Chief Secretary to Government*) : The details of the report I can give only after obtaining a copy.

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MR. K. MADHAVAN PILLAI (*Trivandrum* cum *Neduvangad*): If there was any suspicion against the acting man, is it possible that the Dewan Peishkar would have stated in the order that he would be confirmed in the appointment if he furnished the enhanced security?

MR. K. NARAYANAN PANDALAY (*Ag. Chief Secretary to Government*): I cannot now say whether there is any order to that effect.

MR. K. MADHAVAN PILLAI (*Trivandrum* cum *Neduvangad*): Answer to question (*e*) says that he was found to be unfit for the post. When was he found unfit?

MR. K. NARAYANAN PANDALAY (*Ag. Chief Secretary to Government*): Just a few days before the new appointment was made.

MR. K. MADHAVAN PILLAI (*Trivandrum* cum *Neduvangad*): Then, why was it stated that he would be confirmed if he furnished the enhanced security?

MR. K. NARAYANAN PANDALAY (*Ag. Chief Secretary to Government*): A report was made by the Tahsildar against the man doing the duties of Chandrakaran. It was that that necessitated the appointment of a new man.

MR. K. MADHAVAN PILLAI ((*Trivandrum* cum *Neduvangad*): Then, why was it that he was required by Government to furnish an enhanced security?

MR. K. NARAYANAN PANDALAY (*Ag. Chief Secretary to Government*): The Government order was that the post required additional security and that the man in that post should be required to deposit additional security.

MR. K. MADHAVAN PILLAI (*Trivandrum* cum *Neduvangad*): Why was an unfit man called upon to furnish the security?

MR. K. NARAYANAN PANDALAY (*Ag. Chief Secretary to Government*): He was not specifically called upon. It applied to the man who held the post.

MR. K. MADHAVAN PILLAI (*Trivandrum* cum *Neduvangad*): Why did the Peishkar call upon him to do that?

MR. K. NARAYANAN PANDALAY (*Ag. Chief Secretary to Government*): I am not aware whether the Peishkar did call upon this man to furnish an enhanced security.

MR. K. MADHAVAN PILLAI (*Trivandrum* cum *Neduvangad*): Is it a fact that this man produced for examination the title-deeds of his property in order to give additional security?

MR. K. NARAYANAN PANDALAY (*Ag. Chief Secretary to Government*): That paper is not before Government and so I cannot say for certain whether he did produce the title-deeds.

MR. K. MADHAVAN PILLAI (*Trivandrum* cum *Neduvangad*): Does the learned Chief Secretary say that, if rules are broken by high officials, their acts should be condoned?

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MR. K. NARAYANAN PANDALAY (*Ag. Chief Secretary to Government*): The rules have not been broken.

MR. K. MADHAVAN PILLAI (*Trivandrum* cum *Neduvangad*): Exemption from age-bar is a necessary condition for making a man above age permanent. So, why was not the new man appointed as an acting hand?

MR. K. NARAYANAN PANDALAY (*Ag. Chief Secretary to Government*): Such instances are seen in every department.

MR. K. MADHAVAN PILLAI (*Trivandrum* cum *Neduvangad*): Permanently they are filled up?

MR. K. NARAYANAN PANDALAY (*Ag. Chief Secretary to Government*): Yes; and the recommendations for exemption from age-bar are made simultaneously.

MR. K. MADHAVAN PILLAI (*Trivandrum* cum *Neduvangad*): Does the learned Chief Secretary say that all such appointments are made permanent?

MR. K. NARAYANAN PANDALAY (*Ag. Chief Secretary to Government*): No; I only said that such instances are common.

MR. K. MADHAVAN PILLAI (*Trivandrum* cum *Neduvangad*): May I know what necessitated making the new man permanent while the sanction of Government had necessarily to be obtained beforehand?

MR. K. NARAYANAN PANDALAY (*Ag. Chief Secretary to Government*): There is no objection in doing that. The head of the department found that there was nobody who had any preferential claim to the post.

MR. K. MADHAVAN PILLAI (*Trivandrum* cum *Neduvangad*): Were there any applications from those in the department for that place?

MR. K. NARAYANAN PANDALAY (*Ag. Chief Secretary to Government*): Until I obtain a report, I will not be in a position to answer that.

MR. K. MADHAVAN PILLAI (*Trivandrum* cum *Neduvangad*): With regard to the answer to question (*f*), if the appointment has been irregularly made, does the learned Chief Secretary say that the Government will not interfere in these matters if it is proved? Is it the policy of Government not to interfere in such matters?

MR. K. NARAYANAN PANDALAY (*Ag. Chief Secretary to Government*): If the Government are satisfied that there is an irregularity, they would certainly interfere. Strictly speaking, the Peishkar should not have made the appointment. That is the reply with regard to question (*e*).

MR. K. MADHAVAN PILLAI (*Trivandrum* cum *Neduvangad*): And in this case?

MR. K. NARAYANAN PANDALAY (*Ag. Chief Secretary to Government*): According to the letter of the rule, the previous sanction of Government to the appointment of a person who is over-aged is necessary.

MR. K. MADHAVAN PILLAI (*Trivandrum* cum *Neduvangad*): Then the Chief Secretary means to say that in spirit it could be broken.

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MR. K. NARAYANAN PANDALAY (*Ag. Chief Secretary to Government*): It is not so. In anticipation of sanction, at times, all heads of departments do confirm people who are over-aged and then the matter is reported to Government.

MR. K. MADHAVAN PILLAI (*Trivandrum* cum *Neduvangad*): I want the answer to the question, "Is it the definite policy of Government?"

PRESIDENT: You cannot generalise from a single incident, Mr Madhavan Pillai.

MR. K. MADHAVAN PILLAI (*Trivandrum* cum *Neduvangad*): Then what is it?

PRESIDENT: We are dealing only with a particular instance and so, I think, you cannot generalise from that.

Contract with Messrs. MacMillan and Co., re Malayalam Readers.

97. **MR. M. SUBRAHMANYA PILLAI** (*Agastisvaram*): (*a*) Will the Government be pleased to state when the contract originally entered into between the Government and Messrs. MacMillan and Co., for the sale of text books in the State terminates?

(*b*) If the original contract has already terminated, was any further extension of time given, and, if so, for what period?

(*c*) If the contract has already terminated and no extension of time was given, why is it that the same text books are still prescribed for use in the Vernacular Schools in the State for the school-year 1925-26?

MR. T. P. RAMASUBBA AIYAR (*Secretary to Government*): (*a*) The dates of expiry of the contract relating to the MacMillan Malayalam Readers are as below:—

Reader.	*Date of expiry.*
Reader No. I	1st May 1925.
II	Do.
III	June 1925.
IV	June 1926.
V	May 1927.
VI	Do.

(*b*) The contract for the Readers Nos. I to III has already expired, but Messrs. MacMillan and Co. have been asked to supply these Readers for the school-year 1925-26 as other arrangements could not be made in good time.

(*c*) Arrangements for providing Readers in substitution for those supplied by Messrs. MacMillan and Co., are not yet complete.

MR. M. SUBRAHMANYA PILLAI (*Agastisvaram*): From the answer given, I see that the contracts for the Readers Nos. I to III given to Messrs. Macmillan and Co., have expired by the 1st of May 1925 and June 1925. I would like to know whether Government did not take action sufficiently early to arrange for the supply of new books for the year 1925-26.

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